

**REMARKS**

Claims 1-10 are pending in this application. Claims 6-8 have been withdrawn by the Examiner. By this Amendment, claims 1, 2, 9 and 10 are amended for clarity and consistency, and claims 1, 5, 9 and 10 are amended to even more clearly distinguish over the applied references. The amendments to independent claims 1, 9 and 10 are supported in the specification by at least paragraphs [0087] - [0088], and the amendments to independent claim 5 are supported in the specification by at least paragraphs [0152] - [0153].

**I. Restriction Requirement**

As requested, Applicants confirm the election made on November 7, 2005, provisionally electing the claims of Group I (claims 1-5 and 9-10), with traverse.

It is also respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

**II. Information Disclosure Statement**

The Office Action states that item 2 of the June 3, 2005 Information Disclosure Statement fails to comply with 37 C.F.R. §1.98(a)(3) because it does not include a concise explanation of relevance. Applicants respectfully submit that no statement of relevance is

needed for this non-English reference (TW 442718) because, as stated at item No. 4 of the June 3, 2005 IDS, a related U.S. patent (U.S. Patent No. 6,157,533) was provided along with the foreign language reference.

Accordingly, it is respectfully requested that a signed and initialed Form PTO-1449 for the June 3, 2005 IDS be provided to Applicants.

In addition, the Examiner is requested to consider the information submitted with the January 3, 2006 Information Disclosure Statement.

### **III. Claim Rejection Under 35 U.S.C. §101**

Claim 10 is rejected under 35 U.S.C. §101 because the claim is allegedly directed to non-statutory subject matter. The rejection is respectfully traversed.

By this Amendment, claim 10 is amended for clarity and to clarify that it is directed to a "computer program product." Examples are described, for example, at paragraphs [0191] - [0198]. It is respectfully submitted that claim 10 recites statutory subject matter because claim 10 recites a computer program product that is limited to a practical application in the technological arts. See MPEP §2106(IV)(B)(2)(b)(ii).

It is respectfully requested that the rejection be withdrawn.

### **IV. Rejections Under 35 U.S.C. §§102 and 103**

Claims 1, 3 and 9 are rejected under 35 U.S.C. §102(b) over Boothby (U.S. Patent Publication No. 2001/0014893); claim 2 is rejected under 35 U.S.C. §103(a) over Boothby in view of Duncombe (U.S. Patent Publication No. 2003/0120685); and claims 4 and 5 are rejected under 35 U.S.C. §103(a) over Boothby in view of Multer (U.S. Patent Publication No. 2002/0010807). The rejections are respectfully traversed.

The applied references fail to disclose or teach a wearable computer that communicates with a portable information terminal. Each of the applied references discloses a portable electronic device communicating with a base computer. See Boothby at Fig. 1 and

paragraph [0002], Duncombe at Fig. 19 and paragraph [0019], and Multer at Fig. 7 and paragraph [0040].

With regard to independent claims 1, 9 and 10, Boothby fails to disclose a data backup system, data backup method, or a computer program product that causes execution of a data backup process involving a portable information terminal that sends newly updated data of the data stored in a first storage device. Boothby discloses a synchronization program that sends the entire record stored in a handheld device. See Boothby at paragraph [0048]. Boothby thus does not disclose or suggest sending only newly updated data.

Moreover, Boothby does not disclose or suggest that deletion of an updated time from the extracted newly updated data.

With regard to independent claim 5, Boothby and Multer fail to disclose a wearable computer having a first receiving device to receive a first communication identifier and a second communication identifier of a portable information terminal from the portable information terminal, and a writing device to write the second communication identifier in a storage device.

For the foregoing reasons, the applied references, alone or in combination, fail to disclose all of the features recited in independent claims 1, 5, 9 and 10. It is respectfully requested that the rejections be withdrawn.

## **V. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Steven W. Allis  
Registration No. 50,532

JAO:SWA/sxb

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**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

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